

United States Department of the Interior  
National Park Service

**RECORD OF DECISION**

Vessel Quotas and Operating Requirements for Glacier Bay National Park and Preserve

**INTRODUCTION**

This record of decision documents the National Park Service (NPS, also “the Park Service”) decision to modify quotas and operating requirements for four types of motorized watercraft – cruise ships and tour, charter, and private vessels – in Glacier Bay National Park and Preserve. The decision addresses the continuing demand for motorized watercraft access into Glacier Bay in a manner that protects park resources and values while also providing a range of rewarding opportunities for visitors consistent with park purposes and values.

The decision improves the current system used to manage motorized vessel traffic in Glacier Bay. The need to review vessel quotas stems from legislation enacted in 2001, wherein the U.S. Congress directed the Park Service to set the maximum level of motorized vessel entries in accordance with the analysis in an environmental impact statement (EIS). Based on the results of public and internal scoping in spring 2002, the Park Service expanded the review to include vessel quotas and operating requirements and to address Glacier Bay and Dundas Bay (see figure). The Park Service prepared an EIS, as required, under the National Environmental Policy Act (NEPA) of 1969 and Council of Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] 1500). The draft EIS (DEIS) was issued in March 2003. A *Federal Register* (FR) notice announcing the availability of the final EIS (FEIS) was published by the U.S. Environmental Protection Agency (EPA) on October 10, 2003, commencing the required 30-day no-action period (62 FR 3681).

Implementation of the decision will require promulgation of regulations, revising 36 CFR 13.65. Draft regulations should be published for public comment in 2004. Final regulations are anticipated by early 2005.

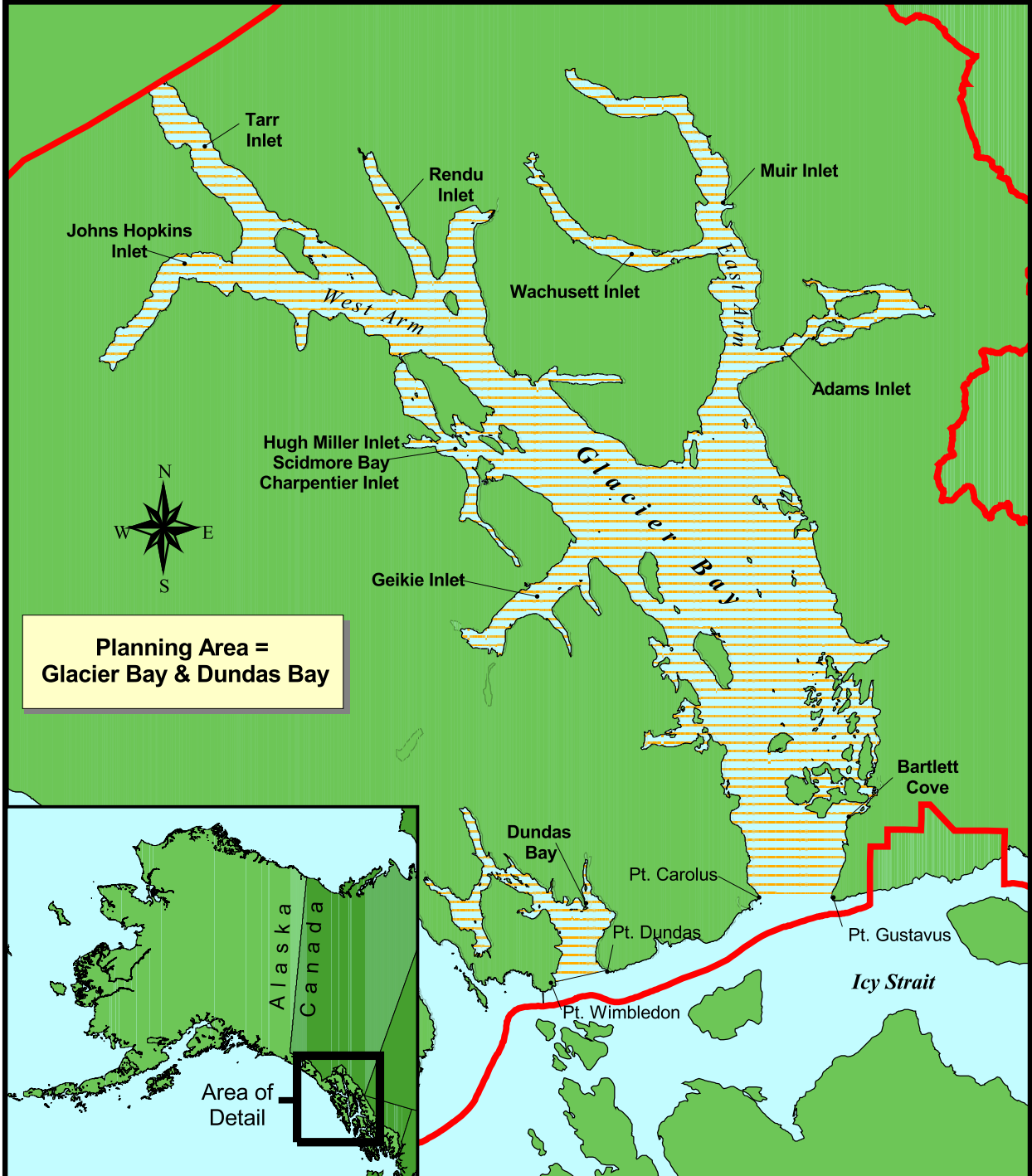
**BACKGROUND**

Measures to address vessel traffic in Glacier Bay were first implemented in 1979 to respond to concerns regarding the effects of motor vessels on the endangered humpback whale. Regulations went into effect in 1980, and additional regulations were promulgated in 1985. Since then, concerns have broadened to encompass potential effects on other biota, the physical environment, and visitor experience.

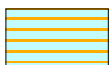
In 1996, the Park Service completed an environmental assessment (EA) and issued a finding of no significant impact (FONSI) regarding vessel quotas and operating requirements that, among other things, provided for increases in quotas for cruise ships, charter vessels, and private vessels in Glacier Bay. The decision allowed for 139 cruise ships throughout the June-through-August season, with potential for incremental increases to 184 ships (i.e., up to two cruise ships per day), based on scientific and other information and applicable authorities.

# Planning Area

National Park Service  
U.S. Department  
of the Interior



Planning Area =  
Glacier Bay & Dundas Bay



Planning Area of the Vessel Quotas  
and Operating Requirements  
Environmental Impact Statement



Boundary of Glacier Bay  
National Park & Preserve

## Glacier Bay National Park and Preserve

Vessel Quotas and Operating Requirements  
Record of Decision

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In a May 1997 complaint filed in the U.S. District Court, the National Parks Conservation Association (NPCA) challenged the validity of the Park Service's 1996 FONSI. The U.S. District Court upheld the decision made by the Park Service. Following an appeal, the U.S. Court of Appeals for the Ninth Circuit determined in February 2001 that the portion of the vessel management plan and EA and the implementing regulations that authorized an increase in vessels into Glacier Bay violated NEPA because an EIS was not prepared. The court prohibited vessel traffic above the pre-1996 levels unless an EIS was prepared. The court decision went into effect in late summer 2001. Following this decision, the U.S. Congress, as part of the U.S. Department of the Interior Appropriations Act of 2002 (section 130 of Public Law 107-63), changed the requirements established by the court decision and required the Park Service to: (1) prepare an EIS by January 1, 2004, to identify and analyze the possible effects of the 1996 increases; and (2) set the maximum level of vessel entries into Glacier Bay based on the analysis in the EIS. Until the Park Service sets the level of vessel entries based on the new EIS, Congress provided that the number of vessel entries into Glacier Bay would be the same as those in effect during the 2000 calendar year, and that the Park Service's 1996 decision and the final rule, issued in May 1996, were approved and would be in effect. In January 2002, the U.S. District Court modified the previous injunction.

## **ALTERNATIVES CONSIDERED**

Six alternatives, including a no-action alternative, were considered in the FEIS; they are described below. Alternatives 1, 2, and 3 apply vessel quotas and operating requirements to Glacier Bay proper only; they include the operating requirements in current regulations. Alternatives 4, 5, and 6 apply vessel quotas and operating requirements to Glacier Bay proper and Dundas Bay, and include revised operating requirements.

**Alternative 1**, the no-action alternative, would maintain the current vessel quotas, quota season (June 1 through August 31), and operating requirements for Glacier Bay.

**Alternative 2** would set vessel quotas for Glacier Bay in accordance with the quotas in place in 1995, maintain the current vessel quota season, and maintain current operating requirements.

**Alternative 3** would maintain the current vessel quotas and quota season for Glacier Bay with one exception: it would include a provision to increase the number of cruise ships during the quota season to a maximum of 184, based on scientific and other information and applicable authorities. This alternative would maintain the current vessel operating requirements.

**Alternative 4**, the environmentally preferred alternative, would maintain the current daily quota for cruise ships and decrease the daily vessel quotas for tour, charter, and private vessels in Glacier Bay. Seasonal entry quotas would not apply. Seasonal-use day quotas would continue to apply. This alternative would decrease the number of seasonal-use days for cruise ships and tour and charter vessels and increase the number of seasonal-use days for private vessels in Glacier Bay. The quota season would be May 1 through September 30. Closures for cruise ships would be extended to include Beardslee Entrance and the East Arm (defined by line from southern Sebree Island to the mainland). Closures for tour vessels would be extended to include Fingers Bay, Berg Bay, Beardslee Entrance, and Muir Inlet (defined by line from Muir Point to the mainland).